

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT M. HARRIS, SR.,

Petitioner,

v.

CASE NO. 2:09-CV-627

JUDGE GRAHAM

MAGISTRATE JUDGE ABEL

ROBIN KNAB, Warden,

Respondent.

OPINION AND ORDER

On January 11, 1011, the Magistrate Judge issued a *Report and Recommendation* recommending that Petitioner's sole remaining claim for relief, i.e., the ineffective assistance of counsel due to his attorney's failure to challenge verdict forms and the indictment as defective, be dismissed. Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Petitioner objects to the Magistrate Judge's recommendation of dismissal of his claim of ineffective assistance of counsel due to his attorney's failure to challenge the verdict forms as inadequate under *State v. Pelfrey*, 112 Ohio St.3d 422 (2007). Pursuant to 28 U.S.C. 636(b), this Court has conducted a de novo review. For the reasons the reasons detailed in the Magistrate Judge's Report and Recommendation, Petitioner's objections (Doc. 19), are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

It is so ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: January 27, 2011